

### **III. REMARKS**

Claim 49 is amended to address the Examiner's comments in the Advisory Action mailed 31 December 2008. It is noted that change to the claim consisted of shortening the preamble and including the elements of the preamble in the claim. This should not have altered the scope of this previously allowed claim.

Claim 70 has been corrected to recite the term "apparatus." The error is regretted.

Claim 88 is amended to recite that a communication device comprises a memory and that the memory includes software that is configured to carry out the steps therein described. It is respectfully submitted that this is statutory subject matter and that the amendment does not alter the scope of the claim. Support for this amendment can be found at least on page 22, line 29 to page 23, line 16.

Other amendments are also made. In the case of claims 6 and 7, which depended from claim 1, claim 7 is amended to depend from claim 6 to provide proper antecedent basis for "the WCDMA protocol stack". In the case of claims 37 and 38, which depended from independent claim 27, claim 38 is amended to depend from claim 37 to provide proper antecedent basis for "the WCDMA protocol stack". Claims 49, 70 and 85 are amended to reduce the pre-amble. It is believed that the amendments to claims 7, 38, 49, 70 and 85 do not raise any issues that would preclude their entry after the Final Rejection.

In independent claim 36, at the end of the claim, the word "first" is deleted as surplusage.

At a few other locations words were amended with changes of a linguistic nature.

For the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is

respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



Geza C. Ziegler J.r  
Reg. No. 44,004

28 January 2009  
Date

Perman & Green, LLP  
425 Post Road  
Fairfield, CT 06824  
(203) 259-1800  
Customer No.: 2512